

AMENDED IN SENATE APRIL 2, 2003

AMENDED IN SENATE MARCH 17, 2003

SENATE BILL

No. 217

Introduced by Senator Sher
(Coauthor: Senator Alpert)

(Coauthors: Assembly Members Jackson and Nation)

February 13, 2003

An act to add Sections 4566 and 4582.1 to the Public Resources Code, relating to forest resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 217, as amended, Sher. Forest resources.

The existing Z'berg-Nejedly Forest Practice Act of 1973 prohibits any person from conducting timber operations unless the person has submitted a timber harvesting plan prepared by a registered professional forester to the Department of Forestry and Fire Protection and received approval of that plan from the Director of Forestry and Fire Protection.

The Forest Practice Act requires the State Board of Forestry and Fire Protection to adopt district forest practice rules and regulations for each district to assure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, and wildlife, and water resources, including, but not limited to, streams, lakes, and estuaries. The Forest Practice Act also requires the board to adopt minimum resource conservation standards for each forest district, including standards for even-aged management.

This bill would define "planning watershed" to mean the land base and associated watershed system that drains into a class I watercourse

that is not less than 3,000 acres and does not exceed 10,000 acres in size. The bill would require the State Board of Forestry and Fire Protection to adopt regulations that provide standards and procedures for determining the maximum harvest limits for the timberlands of each ownership within a planning watershed.

The bill, *until those regulations are operative*, would authorize in each 10-year period in any planning watershed area, a maximum of 15% of *the timberlands of each ownership* in a planning watershed area to be logged by either even-aged regeneration methods or those harvest methods that exceed 70% of the average basal area per acre. The bill would authorize more than 15% of *the timberlands of each ownership* in the watershed to be harvested in a decade through even-aged regeneration methods if the director, pursuant to board rules, makes specified findings.

The bill would prohibit in any stand of ancient forests, as defined, the conduct of timber harvests using even-aged regeneration harvest methods or timber harvests in which more than 70% of the average conifer and hardwood basal area is removed in one operation, as specified, and would require timber harvests in any stand of ancient forest to comply with specified harvesting requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4566 is added to the Public Resources
2 Code, to read:
3 4566. (a) On or before ____, ____, the board shall adopt
4 regulations that provide standards and procedures for determining
5 the maximum harvest limits for the timberlands of each ownership
6 within a planning watershed, *including, but not limited to, the*
7 *amount of a planning watershed area that may be logged by either*
8 *even-aged regeneration methods or those harvest methods that*
9 *exceed 70 percent of the average basal area per acre. These*
10 regulations shall require the department to establish boundaries for
11 all planning watersheds consistent with the procedures established
12 by the board and in consultation with the Department of Fish and
13 Game and the appropriate California regional water quality
14 control board.



(b) The procedures established by the board for determining maximum harvest limits within a planning watershed shall include a planning threshold harvest level. The planning threshold shall identify a watershed harvest level for which existing standard best management practices provide feasible protection for resources placed at risk by timber harvesting.

(c) ~~In~~ *Until regulations adopted by the board pursuant to subdivision (a) become operative*, in each 10-year period in any planning watershed area, a maximum of 15 percent of *the timberlands of each ownership* in the planning watershed area may be logged by either even-aged regeneration methods or those harvest methods that exceed 70 percent of the average basal area per acre. More than 15 percent of *the timberlands of each ownership* in the watershed may be harvested in a decade through even-aged regeneration methods, if the director, pursuant to board rules, makes all of the following findings:

(1) Even-aged management is required for regeneration of the species harvested.

(2) There will be appropriate spatial distribution of even-aged harvesting among subwatersheds to avoid overconcentration of tree species.

(3) Clear and convincing evidence exists that the higher harvest level is appropriate based on past harvest levels and the condition of the watershed.

(4) Appropriate mitigation measures recommended by the Department of Fish and Game and the appropriate California regional water quality control board will be carried out to assure that the harvest level will not have a significant cumulative effect on the environment.

~~(5) No buffer area contiguous to a previous even-aged regeneration harvest unit will be harvested under an even-aged regeneration method until the dominant and codominant trees in the previous even-aged regeneration unit are at least 10 years of age.~~

(d) For purposes of this section, “planning watershed” means the land base and associated watershed system that drains into a class I watercourse that is not less than 3,000 acres and does not exceed 10,000 acres in size. Where a watershed exceeds 10,000 acres, the department shall subdivide the watershed into smaller planning watersheds less than 10,000 acres but greater than 3,000

1 acres in size. Where a watershed is less than 3,000 acres in size, the
2 department shall combine one or more adjacent tributary
3 watersheds to create a planning watershed greater than 3,000 acres
4 but less than 10,000 acres in size, that is drained by a single
5 common stream. Watersheds that drain directly into the Pacific
6 Ocean may be less than 3,000 acres. Where 10,000 acres is not a
7 logical watershed planning unit, such as on some Eastside Sierra
8 pine types, the board may provide for the use of larger watersheds,
9 but the size shall be the smallest that is practical and shall
10 encompass contiguous acreage.

11 SEC. 2. Section 4582.1 is added to the Public Resources
12 Code, to read:

13 4582.1. (a) No timber harvest using even-aged regeneration
14 harvest methods or in which more than 70 percent of the average
15 conifer and hardwood basal area is removed in one operation, is
16 permitted on any stand of ancient forest.

17 (b) Harvesting activities on lands subject to this section shall
18 comply with all of the following:

19 (1) All timber harvests shall be conducted in a manner that
20 ensures that the stand continues to retain a multistoried canopy and
21 to produce habitat characteristics essential to old growth related
22 wildlife species. Following completion of timber harvests within
23 any ancient forest, there shall be retained a multistory canopy, of
24 at least six trees per acre, that are at or above the age of stand
25 culmination of mean annual increment, but not less than 100 years
26 on the highest site lands and not less than one-half of the volume
27 of downed logs, nonmerchantable live trees, and hard and soft
28 snags. When roads are to be constructed through an ancient forest,
29 trees harvested shall be consistent with the tree removal limits set
30 forth in paragraphs (2) and (3).

31 (2) Within unentered ancient forests, timber harvests may not
32 occur more frequently than once every 25 years. All harvests on
33 unentered ancient forests are limited to a maximum removal of 50
34 percent of the trees 10 to 20 inches, inclusive, 21 to 35 inches,
35 inclusive, and 36 inches and larger in diameter at breast height.
36 There shall also be minimum retention or recruitment of structural
37 features and their spatial arrangement, including hard and soft
38 snags, green culls, downed logs, and coarse woody debris.

39 (3) The first proposed harvest on an entered ancient forest is
40 limited to a maximum removal of 50 percent of the trees 10 to 20

1 inches, inclusive, 21 to 35 inches, inclusive, and 36 inches and
2 larger in diameter at breast height. There shall also be a minimum
3 retention or recruitment of structural features, including hard and
4 soft snags, green culls, downed logs, and coarse woody debris.
5 Upon any subsequent entry of an entered ancient forest, timber
6 operations may only be conducted pursuant to the selection
7 method, as defined in Sections 913.2, 933.2, and 953.2 of Title 14
8 of the California Code of Regulations, as those sections read on
9 January 1, 2003.

10 (4) The Department of Fish and Game shall conduct an onsite
11 inspection of any timber harvesting plan proposing a timber
12 operation within an ancient forest prior to the director determining
13 whether the plan conforms with the rules and regulations of the
14 board or with this chapter.

15 (c) Subdivision (a) and paragraphs (1) and (3) of subdivision
16 (b) do not apply to the following:

17 (1) Authorized emergency sanitation cutting.

18 (2) Authorized salvage of dead, dying, or deteriorated trees
19 resulting from fire, wind, insects, disease, or flood.

20 (3) Land that has been approved for conversion to uses other
21 than growing timber pursuant to Article 9 (commencing with
22 Section 4621).

23 (4) Firebreaks, fuel breaks, and rights-of-way.

24 (d) As used in this section:

25 (1) “Ancient forest” means a forested area, with a multistoried
26 canopy, with at least six live trees per acre that are at least 200 years
27 of age. An ancient forest may be either of the following:

28 (A) An unentered forested area covering 40 or more acres with
29 no evidence of previous roads or timber harvesting and no record
30 of previous harvest activities.

31 (B) An entered forested area covering 40 or more acres with
32 previous entry for logging that provides essential habitat elements
33 for ancient forest-related wildlife species.

34 (2) “Culmination of mean annual increment” means the age at
35 which the total volume of a timber stand, divided by its age,
36 reaches the maximum volume.

37 (3) “Even-aged regeneration” means clearcutting and the seed
38 step of the shelterwood and seed tree regeneration silvicultural
39 methods, as defined in Sections 913.1, 933.1, and 953.1 of Title

- 1 14 of the California Code of Regulations, as those sections read on
- 2 January 1, 2003.

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